



**STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

GENERAL PERMIT TO PLACE STREAM HABITAT STRUCTURES AND STREAM CROSSINGS (FORDS/TEMPORARY CROSSINGS) IN NAVIGABLE WATERS, DREDGE OR PLACE MATERIAL ON THE BED OF A STREAM CHANNEL, AND DISCHARGE RELATED FILL INTO WETLANDS OF WISCONSIN FOR THE PURPOSE OF IMPROVING STREAM HABITAT AND WATER QUALITY

PERMITTEE: The Wisconsin Department of Natural Resources (WDNR), Land Conservation Department (LCD), Natural Resources Conservation Service (NRCS) and US Fish and Wildlife Services (USFWS)

PERMIT NO: GP 15-2017-WI (WDNR-GP15-2017)

ISSUING OFFICE: Waterways & Wetland Protection Section, Watershed Management Program, Office of Business Support & External Services, Wisconsin Department of Natural Resources

ISSUANCE DATE: MM/DD/2017

EXPIRATION DATE: MM/DD/2022

GENERAL PERMIT AUTHORIZATIONS:

In compliance with Wisconsin Statutes section 30.12(1) and (2m), no person may place any structure upon the bed of any navigable water unless an individual or a general permit has been issued or authorization has been granted by the legislature.

In compliance with Wisconsin Statutes section 30.123(2), no person may construct, reconstruct or maintain ford crossings in, on, or over navigable waters unless an individual or a general permit has been issued or authorization has been granted by the legislature.

In compliance with Wisconsin Statutes section 30.19(1g)(c), no person may grade or remove topsoil from the bank of any navigable waterway where the area exposed by the grading or removal will exceed 10,000 square feet unless an individual or a general permit has been issued under this section or authorization has been granted by the legislature.

In compliance with Wisconsin Statutes section 30.20(1), no person may remove any material from the bed of any lake, outlying water, or navigable stream unless a contract has been entered into with the department, authorization has been granted by the legislature, or an individual or general permit has been issued by the department.

In compliance with Wisconsin Statutes section 281.36(3b)(b), no person may permanently or temporarily discharge dredged or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit issued by the Department or is exempt by statute. In compliance with Wisconsin Statutes section

281.36(3b)(a), a wetland general permit issued by the Department constitutes the water quality certification required by 33 USC 1341(a) (Clean Water Act section 401) for federal permits that authorize the discharge of dredged or fill material into wetlands regulated under 33 USC 1344(a) (section 404 Clean Water Act).

The Department has authority to issue general permits under Wisconsin Statutes sections 30.12(3), 30.123(7), 30.19(3r), 30.20(1t), 30.206 and s. 281.36(3g) that authorize any person in the State of Wisconsin to perform work in accordance with the terms and conditions of the general permit specified below after satisfying all applicable permit terms and conditions. Please refer to the following sections of this permit for the specific eligibility standards, application requirements, certification requirements and responsibilities, conditions, findings of fact, conclusions of law, and definitions required by WDNR-GP15-2017.

Note: WDNR GP15-2017 does not apply to proposed tribal activities located on Federal Indian Trust Land.

Note: Wisconsin Statutes section 30.12(1g) and Wis. Admin. Codes exempt from permitting requirements certain structures that are placed for specific purposes in waters that are **not** designated as Areas of Special Natural Resource Interest (ASNRI).

Note: Wisconsin Statutes section 30.123(6)(d) exempts from permitting requirements the construction or placement and maintenance of a Replacement Culvert as long as the Replacement Culvert is placed in substantially the same location as the culvert being replaced and the replacement culvert is constructed or placed using best management practices to comply with water quality standards under subch. II of [Wisconsin Statutes ch. 281](#).

Note: Wisconsin Statutes section 30.12(2m) allows the Department to require that an individual permit or general permit be obtained in lieu of an exemption for activities at certain sites. Work performed in ASNRI designated waters or at a site where the Department requires a permit under Wisconsin Statutes s. 30.12(2m) may be authorized by this general permit.

Note: Coverage under this permit authorizes the permittee to undertake specified activity/activities in compliance with the above statutes and the terms of this permit, but does not authorize a permittee to undertake any activity prohibited by other applicable federal, state, or local law.

OTHER NECESSARY AUTHORIZATIONS:

WDNR-GP15-2017 authorizations are subject to all applicable terms and conditions specified in this permit. However, **WDNR-GP15-2017 authorizations are provisional and require that project proponents obtain all other required local, state or federal permits before any work may proceed.** U.S. Army Corps of Engineers permits are required for any deposit or removal of material from waters of the United States.

PROJECT DESCRIPTION AND LOCATION:

WDNR GP15-2017 applies to WDNR, LCD, NRCS and USFWS stream improvement projects located on one of the following:

- State, Federal, County owned or eased lands.
- Lands owned by other public or private entities with whom the DNR, LCD, NRCS and USFWS are cooperating by providing evaluation and/or design of the project, resource assessment and alternative(s), and/or engineered design and construction quality assurance of the project.

WDNR GP15-2017 does not apply to projects in which the main purpose is shoreland protection and stabilization.

The following WDNR, LCD, NRCS and USFWS activities are eligible for coverage under WDNR GP15-2017:

- Sects. 1A: Grading or removal of topsoil from the bank of any navigable waterway where the area exposed by the grading or removal will exceed 10,000 square feet. Grading or removal of topsoil is regulated under Wis. Stats. s. 30.19(1g)(c), (1m)(f) & (g), (3r)(b), and (4)
- Sects. 1B, 1C: Construction, placement and maintenance of habitat structures on the bed of navigable waters for the purpose of improving stream habitat. Habitat structures are regulated under Wis. Stats. s. 30.12 (1), (1g) (c) and (d), (2m) and (3m).
- Sect. 1D: Removal of material from the bed of a lake or navigable stream. Such removal is regulated under Wis. Stats. s. 30.20(1), (1g), (1t), and (2).
- Sect. 1E: Construction or maintenance of a ford crossing in navigable streams if necessary for installation or maintenance of habitat structures. Such structures are regulated under Wis. Stats. s. 30.12(1), (3)(a)4, and (3m).
- Sect. 1F: Discharge of dredged or fill material to wetlands when necessary for the construction, reconstruction, or maintenance of a fish or wildlife habitat structure, and when authorization of the discharge is included in the authorization for that specific activity. Discharges to wetlands are regulated under Wis. Stats. s. 281.36 (3b), (3g), (3m), and (4).

Any person that intends to do any of the following activities must comply with all applicable provisions of this general permit:

- Construct, place or maintain a structure under this permit at a site where the Department requires a permit under Wis. Stats. s. 30.12(2m) or 30.123(6).
- Remove material where the Department requires a permit under Wis. Stats. 30.20.
- Grade the bank where the Department requires a permit under Wis. Stats. 30.19.
- Discharge dredged or fill material to wetlands where the Department requires a permit under Wis. Stats. 281.36.

GENERAL PERMIT COVERAGE: Unless notified by the DNR to the contrary, the effective date of coverage under this general permit is 30 calendar days after a complete notification package has been received by the designated DNR office. **WDNR-GP15-2017 permit coverage is valid for a period of 5 years from the date the department**

determines the activity is authorized by this general permit or until the authorized activity has been completed, whichever occurs first. Thereafter, permit coverage terminates unless another complete notification package is submitted to retain coverage under this permit or a reissued version of this permit.

State of Wisconsin Department of Natural Resources
For the Secretary

Watershed Bureau Director

Date Permit Signed

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WDNR-GP15-2017 TERMS AND CONDITIONS

The following sections describe the general permit authorization procedures implemented by the WDNR in WDNR-GP15-2017. Projects must meet all the terms and conditions of this permit to be eligible for coverage under WDNR-GP15-2017.

NOTE: The term "you" and its derivatives, as used in this general permit, means the WDNR, LCD, NRCS, or USFW whose authorized representative or agent submitted and signed the complete notification package for coverage under the General Permit and the entity which conducts the activity under coverage of this General Permit. The term "the Department" or "this office" refers to the appropriate Wisconsin Department of Natural Resources (WDNR) Service Center, WDNR Region or Central Office headquarters of the Wisconsin DNR having jurisdiction over the authorized activity or the appropriate official of that office acting under the authority of the Secretary of the Department.

SECTION 1 – WDNR-GP15-2017 ELIGIBILITY STANDARDS FOR AUTHORIZATION

In order for a project to be considered for coverage and authorization under WDNR GP15-2017, the project must be designed to meet all of the eligibility standards and conditions specific to the activity being applied for.

NOTE: Projects that do not meet all standards are not eligible for this general permit and are therefore excluded from coverage under WDNR-GP15-2017. For projects that do not qualify for WDNR-GP15-2017, you may apply for an Individual Permit as outlined in Wis. Stats. s. 30.208(2) and s. 281.36(3m). The Department is authorized under Wis. Stats. s. 30.206(3r) for waterway activities and s. 281.36(3g)(i) for wetland discharges of dredged or fill materials to require an individual permit in lieu of a general permit if the Department has determined that the proposed activity is not authorized under WDNR-GP15-2017 or has conducted an investigation, visited the site, and determined that conditions specific to the site require restrictions on the activity in order to prevent significant adverse impacts to the public rights and interest, environmental pollution as defined in Wis. Stats. s. 299.01(4), or material injury to the riparian rights of any riparian owner.

This GP cannot be used to authorize activities for the conversion of a natural stream to another aquatic use, such as the creation of waterfowl impoundments. This GP cannot be used to authorize realignment of a stream and does not authorize the conversion of natural wetlands to another aquatic use, such as creation of waterfowl impoundments, where a forested wetland previously existed.

A. GENERAL STANDARDS FOR ALL WATERWAY PROJECTS

1. Placement of the structure will not result in significant adverse impacts to the public rights and interests, cause environmental pollution as defined in Wis. Stats. s. 299.01(4), or result in material injury to the riparian rights of any riparian owner pursuant to Wis. Stats. s. 30.206(3r)(a)2., nor will it cause more than minimal adverse environmental impacts, materially interfere with navigation, nor have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to Wis. Stats. s. 30.206(1)(am).
2. The applicant or co-applicant is the riparian owner, or the applicant or co-applicant has obtained written permission of the riparian owner to place a structure, impact wetlands or remove material from the waterway.
3. The DNR can be the sole applicant for projects that will occur within a streambank protection easement, fisheries or wildlife management easement. The Department should share all applications and permits with the landowner. The permitted activity will adhere to the purposes/scope for which the easement was granted and the entire project is contained within the area burdened by the easement.
4. Projects must be designed by the WDNR, NRCS, LCD or USFW Service Fisheries Biologist and be approved by the Fisheries Biologist. A current list of Department Fisheries Biologists can be found at:
<http://dnr.wi.gov/topic/fishing/people/fisheriesbiologists.html>

5. A deposit of sand, gravel, or stone may be associated with the placement of a wildlife habitat structure, provided the deposit is limited to the area underneath or within one foot of the structure and is less than 2 cubic yards.
6. Dredging under Wis. Stats. s. 30.20(1g)(b)1 is allowed for the placement of a wildlife habitat structure provided the dredging removes only the amount needed to place the structure and that amount does not exceed 2 cubic yards.
7. No activity is authorized which is not in compliance with Wisconsin's Endangered Species Law (s. 29.604 Wis. Stats) and Section 7 of the Federal Endangered Species Act.
8. Fish Spawning. To minimize adverse impacts on fish movement, fish spawning, and egg incubation periods, structures **may not be placed** during the following periods:
 - September 15th through May 15th for all trout streams and upstream to the first dam or barrier on the Root River (Racine County), the Kewaunee River (Kewaunee County), and Strawberry Creek (Door County). To determine if a waterway is a trout stream, you may use the WDNR website trout maps which can be found at <http://dnr.wi.gov/topic/fishing/trout/streammaps.html>
 - March 1st through June 15th for ALL other waters.
 - The regional Department Fisheries Biologist may waive or modify timing restrictions in writing. To find your biologist and request in writing a waiver or modification of fish spawning timing restrictions for your project, use the WDNR website at: <http://dnr.wi.gov/topic/fishing/people/index.html>.
9. Unless the intended purpose of the project is to facilitate sediment mobility or deposition (i.e., in-stream habitat restoration), structures must be placed in a manner that prevents sediment from collecting, removing, or dispersing away from the project site to the maximum extent practicable. Temporary sediment control measures used to accomplish this should be completely removed from the waterbody no more than 24 hours after the project is completed.
10. Temporary sediment control measures may not materially obstruct navigation or stream flow.
11. Live, living or growing aquatic plants may not be removed unless the removal is exempt under Wis. Stats. s. 23.24(4) or complies with the provisions for waiver of the permit requirement under Wis. Admin. Code s. NR 109.06.
12. Erosion control measures must meet or exceed the technical standards for erosion control approved by the Department under Wis. Admin. Code subch. V of ch. NR 151. Any area where topsoil is exposed during construction must be immediately seeded and mulched or ripped to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway. **Note:** These standards can be found at the following website: <http://dnr.wi.gov/topic/stormwater/standards/>.

13. Unless part of a permanent stormwater management system, all temporary erosion and sediment control practices must be removed upon final site stabilization. Areas disturbed during construction or installation must be restored.

14. Projects that may impact tribal lands or rights may need additional coordination.

15. Unless allowed under section 1D, this general permit does not authorize any realignment in the course of a navigable stream or removal of material from the bed of any waterway except for what is necessary to place the structure.

16. Your acceptance of coverage under this permit and your efforts to begin work on the project signify that you have read, understood and agreed to follow all conditions of this permit.

17. Placement of the structure shall conform to the requirements of Wis. Admin. Code ch. NR 116, Wisconsin's Floodplain Management Program, if applicable.

18. Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the placement and repair of the structure.

19. All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.

20. Placement, repair and removal of the structure shall minimize the removal of trees, shrubs and other shoreline vegetation above the ordinary high water mark.

NOTE: Local zoning ordinances may place restrictions on activities located in mapped floodplains or in shoreland zones. The riparian is responsible for ensuring that their project complies with any local zoning requirements as well as the provisions of this general permit, if applicable

21. Accumulated brush, debris and other obstructions that are trapped in or underneath the structures shall be regularly removed to prevent upstream flooding and maintain structural integrity.

22. The permittee shall submit a series of photographs to the department within one week of placing the structures on this site. The photographs shall be taken from different vantage points and depict all work authorized by the permit.

23. The structure must be placed fully within the riparian zone of interest as defined in Wis. Admin. Code s. NR 326.07, but may extend waterward beyond the line of navigation (3 ft. water depth).

24. Equipment will be decontaminated before being brought to the site and before leaving.

25. The use of motorized equipment is allowed on the bed of the waterway during construction.

B. ELIGIBILITY STANDARDS - FISH HABITAT STRUCTURES

In addition to the general standards in Section 1A, the following standards apply to all fish habitat projects.

1. Rock must be placed solely for the purpose of improving fish habitat and be related to the placement of other habitat structures.
2. Placement of the fish habitat structure may not impair use of any of the following:
 - a. a publicly accessible boat ramp and its associated piers used for the purpose of loading and unloading water craft.
 - b. a designated carry-in only watercraft access site.
3. Structures must be secured and prevented from moving.
4. Rock associated with stream restoration can be placed; however, the rock must be the minimum necessary to protect the shoreline.
5. Fish Habitat Structures may consist only of biological materials, rocks or gravel, except that any fastening and anchoring devices may consist of inert materials.
6. Structures placed in flowages entirely waterward of the line of navigation must provide adequate navigational clearance over the top of the structure of no less than 5 feet during normal summertime low water levels.
7. Design and placement of habitat structures shall follow the prescriptions in NRCS Field Office Technical Guide (FOTG), Practice Standard 395, Stream Habitat Improvement and Management.

NOTE: Copies of the publication cited in paragraph 7 may be inspected by contacting your local Department fisheries biologist and also are available at many public libraries. NRCS Practice Standard 395 can be found at https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_025692.pdf
8. Fish habitat structures must be designed by the WDNR, NRCS, LCD or USFW Fisheries Biologist and be approved by the Local WDNR Fisheries Biologist. A current list of WDNR Fisheries Biologists can be found at: <http://dnr.wi.gov/topic/fishing/people/fisheriesbiologists.html>
9. The following fish habitat structures are allowed: boulder placement, log placement, weirs, lunkers, cross-logs, rock stone or limestone to aid in the placement of fish habitat structures, brush bundles, cross channel logs, log deflectors, skyhook, rock deflectors, coconut fiber rolls, island creation, spawning material placement, temporary pens, side channels or similar habitat structures.
10. The following are allowed to be removed for the purpose of improving fish habitat: beaver dams, natural obstructions, and natural deposits to expose spawning beds.

C. ELIGIBILITY STANDARDS - WILDLIFE HABITAT STRUCTURES

In addition to the standards in Section 1A, the following standards apply to all wildlife habitat projects.

1. The wildlife habitat structure shall be placed solely for the purpose of improving wildlife habitat.
2. Wildlife habitat structures shall be designed and constructed of rock or unpainted wood or of materials that are non-gloss earth tone colors that blend into a natural shoreline setting during leaf-on condition.
3. Wildlife habitat structures may not impair navigational use of a waterway.
4. Wildlife habitat structures must be designed by the DNR, NRCS, LCD or USFW Service Fisheries Biologist and be approved by the Local WDNR Wildlife Biologist.
5. The installation of the following habitat structures is allowed: Backwater Hook, Basking Logs/Escape Logs, Backwater Refuge, Turtle/snake Hibernaculum, Vertical Bird Nesting Banks, nesting platforms or similar habitat structures.

D. ELIGIBILITY STANDARDS – REMOVING MATERIAL FROM OR ADDING MATERIAL TO THE BED OF A PREVIOUSLY CHANNELIZED STREAM TO CREATE A THALWEG

WDNR-GP15-2017 allows for Stream Channel Modification, which may include dredging or placement of materials, only when the material is being removed or placed to create a thalweg within a previously channelized stream.

In addition to the standards in Section 1A, the following standards apply to a project to remove excess material from or place needed material upon the bed of a previously channelized stream to create a thalweg.

1. Stream Channel Modification proposed to create a thalweg within a previously channelized stream may impact a maximum of 2,000 feet in each mile of stream for the purpose of stream restoration only if it is accompanied by all the following:
 - a. Appropriate sediment control, dewatering, and disposal of materials in an upland location, if necessary.
 - b. Any placement of material is limited to the amount needed to ensure bank continuity upstream and downstream.
 - c. The amount of material requested to be removed is justified by a longitudinal stream profile.
 - d. The amount of material requested to be placed is justified by a series of cross-sectional profiles showing channel widening.
 - e. Documentation of any prior channelization with a plan-view survey showing the existing and abandoned stream channels. Longitudinal stream profiles and cross-sectional profiles must also be used to document existing conditions and provide evidence for restoration activities. Profiles should show existing conditions and post restoration conditions.

2. Material added for the purpose of confining a stream channel shall be designed to prevent erosion of the recreated bank.

E. ELIGIBILITY STANDARDS - PERMANENT FORD CROSSINGS

In addition to the standards in Section 1A, the following standards apply to all Ford Crossings.

1. Ford placement may not occur in a Public Rights Feature (PRF) as described in Wis. Admin. Code s. NR 1.06. Locations of Public Rights Features (PRF) can be found using the Department's Surface Water Data Viewer (SWDV) located here: <http://dnrm.wisconsin.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=DesignatedWaters>
2. Fords may only be placed in areas that are identified as the Driftless Area and Prairie Pothole Region, or the Southeastern Wisconsin Till Plains and Chiwaukee Prairie Region.
3. A ford shall be designed and constructed to prevent structural failure and shall be maintained in good condition at all times.
4. A ford can only be constructed if associated with a fish habitat project.
5. A ford shall only be located in a stream.
6. A ford shall be constructed only at a location where the stream is less than 100 feet wide, the stream depth is less than 2 feet deep, and the streambed does not contain more than 6 inches of soft sediment.
7. A ford shall have its top surface at the same level as the natural streambed immediately upstream and downstream from the ford. The placement of the ford may not result in the creation of an impoundment or dam upstream or a waterfall or riffle area downstream.
8. The approach road to the ford may not have *bank slopes* steeper than 5-foot horizontal to one-foot vertical (5H:1V) toward the stream; *Side slopes* must be constructed to facilitate drainage away from the road surface and to minimize runoff flowing directly into the navigable waterway.
9. Construction of the ford may not occur during periods of high stream flow or high water conditions where the flow is not confined to the immediate stream channel.

F. ELIGIBILITY STANDARDS - CERTAIN PROJECTS THAT MAY IMPACT WETLANDS

The following standards only apply to discharges to wetlands that are necessary in order to place fish and wildlife habitat structures under Sect. 1B or 1C, slope and shape a stream bank, or undertake stream restoration associated with prior stream channelization under Sect. 1D.

1. This section only applies to a project whose purpose is to do any of the following:
 - A. **Place, replace, or maintain** a fish or wildlife habitat structure on a stream or river where the project will result in impacts to wetlands within the project area.
 - B. **Add material for stream restoration** which will result in impacts to wetlands within the project area.
 - C. **Disturb** wetlands for the purpose of bank shaping, temporary spoil storage, temporary haul roads, temporary staging of habitat materials and equipment.
2. The project purpose is to place a fish or wildlife habitat structure under Sect. 1B or 1C or restore or shape a stream under Sect. 1D.
3. This permit does not authorize any new permanent roads in wetlands.
4. This GP does not cover any conversion of sedge meadow or forested wetland to other wetland types.
5. The proposed project will avoid and minimize wetland impacts to the greatest extent practicable and will cause only minimal adverse environmental impacts.
6. The project shall not result in more than 10,000 square feet (0.23 acres) of permanent wetland fill and no more than 2 acres of total temporary wetland impact associated with habitat structures, repair, maintenance, or removal. Disturbance should include only the amount of wetland fill necessary to properly construct and stabilize the project and shall minimize alteration of critical features of waterway or wetland habitats by following the practicable alternatives analysis.
7. The project will not result in more than five (5) acres of total temporary wetland impact associated with the construction matting.
8. The project will not result in more than 10,000 square feet (0.23 acres) of forested wetland clearing.
9. Except where permanent fill is authorized, all wetlands shall be restored to pre-existing elevations and hydrology. Where permanent fill is authorized, the project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.
10. Projects that impact wetlands must comply with Wis. Admin. Code ch. NR 103.
11. Project activities will not take place in or result in adverse impacts to any of the following:
 - a. Great Lakes ridge and swale complexes.
 - b. Interdunal wetlands.
 - c. Coastal plain marshes.
 - d. Southern sphagnum bogs.
 - e. Boreal rich fens.
 - f. Calcareous fens.

12. To the greatest extent practicable, the activity shall not result in adverse impacts to any of the following:
 - a. Fishery spawning habitat, including obstruction of fish passage.
 - b. Bird breeding areas.
 - c. Movement of species that normally migrate from open water to upland or vice versa (i.e. amphibians, reptiles and mammals) as determined by the Department.
13. To avoid topsoil and subsoil mixing, the vehicles and equipment used in wetlands shall work from construction mats, or must be low ground pressure equipment, or shall work only during frozen or dry conditions.
14. Final site stabilization in wetlands requires the re-establishment of native or pre-existing perennial vegetation to at least 70 percent vegetative cover as described in your application and plans.

SECTION 2: WDNR-GP15-2017 APPLICATION REQUIREMENTS FOR COVERAGE

You are required to comply with the following application requirements:

1. After you have carefully confirmed that your project(s) meet(s) the purpose and all the terms and conditions of this permit, you must submit a *complete application package* as outlined in item 5 below to the Department. The complete application package should be received a minimum of 30 calendar days before the desired project start date. Permit application materials can be found and submitted online at <http://dnr.wi.gov/permits/water/>

NOTE: The Department will forward a copy of your application package to the U.S. Army Corps of Engineers for their review and determination regarding federal permit requirements and coverage.

2. Unless notified by the Department to the contrary, the effective date of coverage under this permit is 30 calendar days after the designated DNR office receives a complete application package.
3. The Department may request that you provide additional information necessary to verify compliance with the terms and conditions of this permit. The Department may make a request for additional information one time during the 30-day period. If the department makes a request for additional information, the 30-day period is paused on the date the person applying for authorization receives the request for additional information. The clock remains paused until the date that the Department receives the information at the designated DNR office, at which point the clock resumes from the point it was initially stopped.
4. The Department may determine the project is not eligible for this general permit and require that the project be reviewed through the individual permit process outlined in Wis. Stats. ch. 30.
5. A complete application package must include all of the following information:

- a. A Complete Application form certifying that the project meets the terms and conditions of WDNR-GP15-2017. This form can be found at <http://dnr.wi.gov/permits/water/>.
- b. Permit fees as follows:
 - i. Waterway projects authorized under Wis. Stat. ch. 30 funded in whole or part *and* conducted by a state or federal agency are exempt from permit fees under Wis. Stats. ss. 30.28(3) and 281.36(12)(e).
 - ii. Wetland projects are exempt from wetland permit fees under Wis. Stats. s. 281.36(12)(e) *only* if the project is *conducted* by a federal or state agency.
- c. A copy of the deed or similar proof of ownership of the site where the activity will occur. If you do not own the site, also include proof of any notice(s) and permission(s) required by Section IA, standard number 3 and 4 of this General Permit.
- d. A copy of a concurred with wetland delineation, a wetland delineation conducted by an assured wetland delineator or a waiver by the WDNR Water Management Specialist (WMS) stating that a delineation is not needed.
- e. A project diagram that shows all the following:
 1. The location of the completed project relative to the Ordinary High Water Mark (OHWM) or wetland boundaries with location and size of all proposed wetland impacts (if applicable).
 2. The location of silt fences, riprap, or any other sediment/erosion control devices.
 3. Top, side, and cross section plan profiles for the proposed project.
 4. If applicable, longitudinal stream channel profile or other waterway crossing sizing documentation (e.g., bankfull width to bankfull width documentation).
- f. A description of materials and equipment to be used to complete the project and the purpose and need for the project.
- g. Maps of the project site that show locations and delineate boundaries of all the following:
 1. The property where the project will occur.
 2. The OHWM of navigable waters in or near the project area.
 3. Any adjacent wetlands.
 4. The specific location of the proposed project on the property.
- h. Photographs that represent existing site conditions where the project will occur.
- i. Documentation that the project will not result in an adverse impact to federal or state threatened/endangered resources and/or cultural/historical resources.
- j. A detailed explanation of why any proposed permanent wetland impacts cannot be avoided and how the wetland impacts will be minimized to the greatest extent practicable as required by Wis. Stats. s. 281.36(3g)(h)1. (See Appendix 2)

SECTION 3: WDNR-GP15-2017 CERTIFICATION AND RESPONSIBILITIES

1. Upon submittal of a complete application package to WDNR, you have certified that the project will be conducted in compliance with all the terms and conditions of WDNR-GP15-2017, and you agree to be the responsible party that supervises and oversees all aspects of the project.

SECTION 4: WDNR-GP15-2017 GENERAL PERMIT CONDITIONS

The applicant agrees to comply with the following conditions:

1. **Application.** You must submit a complete application package to the Department as outlined in Section 2 of this general permit. If requested, you must furnish to the Department within a reasonable timeframe any information the Department needs to verify compliance with the terms and conditions of this permit.
2. **Certification.** Acceptance of general permit WDNR-GP15-2017 and efforts to begin work on the activities authorized by this general permit signifies that you have certified the project meets all eligibility standards outlined in Section 1 of this permit and that you have read, understood and agreed to follow all terms and conditions of this general permit.
3. **Project Plans.** This permit does not authorize any work other than the work that is specifically described in the notification package and plans submitted to the Department and that you certified is in compliance with the terms and conditions of WDNR-GP15-2017.
4. **Reliance on Applicant's Data.** The determination by this office that a confirmation of authorization is not contrary to wetland water quality standards will be based upon the information provided by the applicant and any other information required by the WDNR.
5. **Expiration.** This WDNR-GP15-2017 is valid for a period of 5 years from the date of issuance. Any activity that the Department determines is authorized by WDNR-GP15-2017 remains authorized under WDNR-GP15-2017 for a period of 5 years from the date of the Department's determination or until the activity is completed, whichever occurs first, regardless of whether WDNR-GP15-2017 expired before the activity is completed.
6. **Other Permit Requirements.** You are responsible for obtaining any other state permits and any other permits or approvals that may be required for your project by local zoning ordinances, the U.S. Army Corps of Engineers (USACE), and any other federal agencies before starting your project. To locate the USACE staff responsible for reviewing projects in Wisconsin please visit <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>
7. **Project Start.** You must notify the Department using the information provided on the confirmation of coverage letter you receive before starting any activity and again not more than 5 days after each activity is completed.
8. **Permit Posting.** You must post a copy of this permit at a conspicuous location on the project site for at least 5 days prior to the project starting, and the copy must remain posted on the project site at least five days after the project is complete. You must also have a copy of the permit and approved plan available at the project site at all times until the project is complete.

9. Permit Compliance. The Department may modify or revoke coverage of this permit if completion of the project is not carried out in compliance with the terms and conditions of this permit, or if the Department determines the project will be detrimental to the public interest. Any act of noncompliance with this permit constitutes a permit violation and is grounds for enforcement action. Additionally, if any condition of this permit is found to be invalid or unenforceable, authorization for all activities to which that condition applies is denied.

10. Construction Timing. Once waterway work below the OHWM commences, all construction activities in those waterways must be continuous until the work is completed and the site is stabilized. Once wetland work commences, all construction activities in those wetlands must be continuous to the extent practicable. During periods of inactivity in wetlands, the site must be made stable until the work is resumed and completed.

11. Project Completion. Within one week of project completion you must submit to the Department a statement certifying that the project is in compliance with all the terms and conditions of this permit and photographs of the work authorized by this permit.

12. Site Access. Upon reasonable notice, you must allow access to the site to any Department employee who is investigating the project's construction, operation, maintenance or compliance with the terms and conditions of WDNR-GP15-2017 and applicable laws.

13. Erosion and Sediment Control Practices. The project site must implement erosion and sediment control measures that adequately control or prevent erosion, and prevent damage to waterways and wetlands as outlined in Wis. Admin. Code s. NR 151.11(6m). These standards can be found at the following website: http://dnr.wi.gov/topic/Stormwater/standards/const_standards.html. Any area where topsoil is exposed during the project should be immediately seeded and mulched to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.

14. Equipment Use. All equipment used for the project will be designed and properly sized to minimize the amount of disturbance to the wetland or waterway.

15. Wetland protection. You shall not store any vegetation, material, or equipment in wetlands unless authorized through an approved work plan. The project will be constructed in a manner that will maintain wetland hydrology in the remaining wetland complex.

16. Temporary fills. Any temporary fills must be entirely removed and the affected areas returned to their preexisting elevation and vegetated.

17. Invasive Species. To stop the spread of invasive species and viruses from one navigable waterway to another navigable waterway, all equipment or portions of equipment used for constructing, operating, or maintaining the project, including tracked vehicles, barges, boats, silt or turbidity curtains, hoses, sheet piles, and pumps, must be decontaminated for invasive species and viruses before and after use **or** prior to use within another navigable waterway. Follow the most recent

Department approved washing and disinfection protocols and Department approved best management practices to avoid the spread of invasive species as outlined in Wis. Admin. Code ch. NR 40. These protocols and practices can be found on the Department website at <http://dnr.wi.gov/topic/Invasives/bmp.html> Keyword: “equipment operator” or “invasive bmp” and at <http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf>

18. Federal and State Threatened and Endangered Species. WDNR-GP-15-2017 does not affect the DNR’s responsibility to insure that all authorizations comply with Wisconsin’s Endangered Species Law (s. 29.604 Wis. Stats) and Section 7 of the Federal Endangered Species Act. No DNR authorization under this permit will be granted for projects found not to comply with these laws/Acts. In order to be in compliance, documentation is required showing [Endangered Resources \(ER\)](#) concerns have been addressed. Please note: Documents associated with Endangered Resources are valid one year from the date they are prepared. Documentation options include:

- i. An [ER Review Verification Form](#) showing that the project is covered by the [Broad Incidental Take Permit for no/low impact activities](#) and therefore does not require a review.
- ii. An ER Preliminary Assessment from the NHI Public Portal stating that no further actions are necessary or that further actions are recommended. The NHI Public Portal is located here: <http://dnr.wi.gov/topic/ERReview/PublicPortal.html>.
- iii. If the ER Preliminary Assessment from the NHI Public Portal shows that “Further actions are required” then submit one of the following:
 - a. A DNR ER Review letter. The request form for an ER Review letter is located here: <http://dnr.wi.gov/files/PDF/forms/1700/1700-047fillable.pdf>.
 - b. A Certified ER Review letter. The list of Certified Reviewers is available here: <http://dnr.wi.gov/topic/ERReview/Documents/CertifiedReviewers.pdf>.

19. Historic Properties and Cultural Resources. WDNR-GP15-2017 does not affect the DNR’s responsibility to ensure that all authorizations comply with Section 106 of the National Historic Preservation Act and Wis. Stats. s. 44.40. No Department authorization under this permit will be granted for projects found not to comply with these laws. The project must avoid impacts to archaeological sites or historic structures and is subject to Departmental and Wisconsin Historical Society review and approval before authorization under this general permit is valid. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places. If cultural, archaeological, or historical resources are unearthed **during** activities authorized under this permit, work must be stopped immediately and the State Historic Preservation Officer must be contacted for further instruction.

20. Preventive Measures. Measures must be adopted to prevent potential pollutants from entering a wetland or waterbody. Construction materials and debris, including fuels, oil, and other liquid substances, may not be stored in the construction work area in a manner that would allow them to enter a wetland or waterbody as a result of spillage, natural runoff, or flooding. In addition, if feasible, biodegradable hydraulic fluid should be used in equipment that is operated below the Ordinary High Water Mark. If a spill of any potential pollutant should occur, it is the responsibility of the permittee to remove such material, minimize any contamination resulting from this spill, and immediately notify the State Duty Officer at **1-800-943-0003**.

21. Suitable Fill Material. All fill authorized under this permit shall be free from hazardous substances as defined by Wis. Stats. s. 289.01(11), free from solid waste as defined by Wis. Stats s. 289.01(11) and (33), and must consist of clean, suitable soil as defined by Wis. Admin. Code s. NR 500.03(214).

22. Property Rights. This permit does not convey any property rights of any sort or any exclusive privilege. The permit does not authorize any injury or damage to private property, any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

23. Standards for Coverage. Wetland impacts from the project will cause only minimal adverse environmental impacts as determined by the Department.

24. Transfers. Coverage under this permit is not transferable to any person or entity unless the project has already been completed at the time of transfer.

25. Limits of State Liability. In authorizing work, the State does not assume any liability, including for any of the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the State in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this WDNR-GP15-2017.

26. Reevaluation of Decision. This office may reevaluate its decision on any authorization under WDNR-GP15-2017 at any time the circumstances warrant and may suspend, modify or revoke any previously authorized activity. Suspension, modification or revocation may result in enforcement action. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. The applicant fails to comply with the terms and conditions of WDNR-GP15-2017.
- b. The information provided by the applicant in support of the permit application proves to have been false, incomplete, or inaccurate.
- c. Significant new information surfaces which the Department did not consider in reaching the original public interest decision.

SECTION 5: WDNR-GP15-2017 FINDINGS OF FACT

1. The Department has determined that the project site and project plans meet the standards in WDNR-GP15-2017 to qualify for this General Permit.
2. The proposed project will not cause more than minimal adverse environmental impacts, will not materially interfere with navigation, and will not have an adverse impact on the riparian property rights of adjacent riparian owners pursuant to Wis. Stats. s. 30.206(1)(am), nor result in significant adverse impacts to the public rights and interest, cause environmental pollution as defined in Wis. Stats. s. 299.01(4), or result in material injury to the riparian rights of any riparian owner pursuant to Wis. Stats. s. 30.206(3r)(a)2., if completed in accordance with this permit.
3. Pursuant to Wis. Admin. Code s. NR 299.04(1), the Department has reasonable assurance that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will meet all applicable water quality standards.
4. The Department has determined pursuant to wetland water quality standards under Wis. Admin. Code s. NR 103.03, and Wis. Stats. s. 281.36(3g)(d), that projects that meet the eligibility criteria and conditions and are granted coverage under this general permit will only result in minimal adverse environmental effects if carried out in compliance with the requirements of this general permit.
 - a. For activities authorized under Section 1A, the Department has determined that projects that meet all eligibility criteria in section 1, for which all information required in section 2.5 has been submitted, and for which the Department has not required a wetland individual permit pursuant to Wis. Stat. s. 281.36(3g)(i) have adequately avoided and minimized wetland impacts to the greatest extent practicable and will result in minimal adverse environmental impacts. This finding is based on the information submitted under section 2.5 and the fact that the project scope is confined to the project area, which is limited to the minimum area needed to place, replace or maintain the project.
 - b. For activities authorized under Section 1B, 1C, or 1D, the Department has determined that projects meeting eligibility criteria in section 1 have adequately avoided and minimized wetland impacts to the greatest extent practicable and will result in minimal adverse environmental impacts due to the scope of the project being wetland dependent and the area of the project being confined to the minimum area necessary to:
 - place, replace, or maintain fish or wildlife habitat structures or
 - undertake stream restoration as a result of the failure of a waterway crossing or prior channelization.
5. The Department previously prepared an Environmental Analysis (EA) or Environmental Impact Statement (EIS) for the following general permits. The general permits can be found at <http://dnr.wi.gov/topic/Waterways/>.
 - a. WDNR-GP1-2012 entitled "Wetland General Permit for Commercial, Residential and Industrial Activities"

- b. WDNR-GP2-2012 entitled "Wetland and Waterway General Permit for Municipalities to Construct, Reconstruct or Maintain Highways, Bridges, Arches and Culverts"
- c. WDNR-GP3-2013 entitled "General Permit for Utilities to Place Structures on the Bed or to Place Temporary Bridges across waterways or to place fill in wetlands"
- d. WDNR-GP4-2013 entitled "Wetland General Permit for Recreational Development"
- e. WDNR-GP5-2013 entitled "General Permit to Remove Accumulated Plant and Animal Nuisance Deposits from Beds of Navigable Waters"
- f. WDNR-GP6-2013 entitled "General Permit to Place Fish Habitat Structures in Navigable Waters"
- g. WDNR-GP8-2013 entitled "Wetland General Permit for City of Superior Special Area Management Plan"
- h. WDNR-GP9-2014 entitled "General Permit to Place Net Pen Structures in Great Lakes Water Bodies and their Tributaries for the Purpose of Holding or Rearing Fish for Noncommercial Purposes"
- i. WDNR-GP10-2014 entitled "Wetland General Permit to Discharge Dredged or Fill Material into a Wetland of the State to Repair, Reconstruct, or Maintain a Dam or Dams"
- j. WDNR-GP11-2014 entitled "Wetland General Permit to Discharge Dredged or Fill Material into a Wetland of the State for Municipal Development"
- k. WDNR-GP12-2015 entitled "General Permit to Place, Construct, and Maintain Temporary Waterway Crossings for Forest Management Activities"
- l. WDNR-GP13-2015 entitled "General Permit for Maintenance Dredging of Previously Dredged Areas"

6. The Department has determined that projects meeting all eligibility criteria listed in Section 1F of this permit do not change a stream course under Wis. Stats. s. 30.195 since any changes to the stream course allowed under Section 1F are limited to those needed to stabilize, prevent, or repair damage from prior channelization to the stream bed, banks, or channel.

7. The Department and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of WDNR-GP15-2017 and Wis. Admin. Code chapters NR 102, 103, 150, 299, and 310.

SECTION 6: WDNR-GP15-2017 CONCLUSIONS OF LAW

1. The Department is authorized by Wis. Stats. ss. 30.12, 30.123, 30.19, 30.20, 30.206, and 281.36 to issue this general permit.
2. The Department has determined that issuance of this general permit is a prior compliance action under Wis. Admin. Code s. NR 150.20(3)(b) based on the Environmental Analysis and Environmental Impact statements prepared for previous statewide general permits (see Finding of Fact Number 5). The Department has determined that on that basis we have complied with Wis. Admin. Code ch. NR 150 and Wis. Stats. s. 1.11.

SECTION 7: WDNR-GP15-2017 DEFINITION OF TERMS

You accept the following definitions for use with this general permit:

1. "Area of special natural resource interest" for purposes of this permit means only the following areas listed in Wis. Stats. s. 30.01 (1am) and identified by the department in Wis. Admin. Code s. NR 1.05.

NOTE: "Area of special natural resource interest" means any of the following:

- a. A state natural area designated or dedicated under Wis. Stats. ss. 23.27 to 23.29 and shown on a map published on the Department's Internet site.
- b. A surface water identified as a trout stream by the Department in Wis. Admin. Code s. NR 1.02(7) and shown on a map published on the Department's Internet site.
- c. A surface water identified as an outstanding or exceptional resource water under Wis. Stats. s. 281.15 and shown on a map published on the Department's Internet site.
- d. A body of water designated as a wild rice water under a written agreement between the Department and the Great Lakes Indian Fish and Wildlife Commission and shown on a map published on the Department's Internet site.
- e. A body of water in a wetland along Lake Michigan or Lake Superior that the Department has identified as an ecologically significant coastal wetland and shown on a map published on the Department's Internet site.
- f. A river that is included in the national wild and scenic rivers system or designated as a wild river under s. 30.26 and shown on a map published on the Department's Internet site.
- g. The portion of a body of water that contains a sensitive area and shown on a map published on the department's Internet site.
- h. A unique and significant wetland specified by the Department in a special wetland inventory study or a special area management plan and shown on a map published on the department's Internet site.
- i. An area that possesses significant scientific value as identified by the Department in Wis. Admin. Code s. NR 1.05.

2. "Affect wetlands" includes direct impacts and secondary impacts to wetlands. Direct impacts to wetlands are temporary or permanent placement of dredged or fill material into the wetland. Secondary impacts mean impacts associated with any adverse impact on wetland functions such as watershed hydrology (e.g., segmenting a wetland complex, severing a portion of a complex, reducing flood capacity, etc.).
3. "Boreal rich fens" are a rare open peat land communities of northern Wisconsin that are associated with glacial moraines, or less commonly, outwash landforms, in which the underlying substrate includes calcareous materials.
4. "Bridge" means any private or public structure except municipal highway bridges constructed in or over a navigable waterway to provide a walkway or roadway for pedestrians, animals or vehicles, and includes pipe arches and culverts.
5. "Calcareous fens" occur mostly in southern Wisconsin, on sites that are fed by carbonate enriched groundwater and are often associated and can intergrade with more abundant and widespread wetland communities such as southern sedge meadow, wet prairie, shrub-carr, emergent marsh, and southern tamarack swamp.
6. "Channel" means a natural or artificial water course with defined bed and banks to confine and conduct the normal flow of water.
7. "Coastal plain marshes" are typically within the sandy beds or margins of extinct glacial lakes, on level or gently sloping glacial outwash sands, and possibly in glacial tunnel channels.
8. "Complete application" package means a completed and signed application, the information specified in Section 2 of this permit, and any other information which can reasonably be required from an applicant that the Department needs to make a decision.
9. "De minimus" activity means the dredging of less than 2 cubic yards in a calendar year from a specific waterbody or disturbance of bottom material during the manual removal of aquatic plants that meet the requirements of Wis. Admin. Code s. NR 109.06 (2).
10. "Department" means the Department of Natural Resources.
11. "Dredged material" means any material removed from the bed of a navigable waterway by dredging. The bed of a navigable waterway extends landward to the OHWM.
12. "Dredging" means any part of the process of the removal or disturbance of material from the bed of a navigable waterway, transport of the material to a disposal, rehandling or treatment facility; treatment of the material; discharge of

carriage or interstitial water; and disposal of the material. For the purpose of Wis. Stats. ch. 30, dredging does not include "de minimus" activities.

13. "Emergent marshes containing wild rice" are typically emergent aquatic communities that have wild rice as a component. Substrates supporting wild rice usually consist of poorly consolidated, semi-organic sediments. Water fertility is usually low to moderate, and a slow current is typically present.

14. "Fish Habitat Structure" means a man-made structure composed of biological or inert materials designed specifically for the purpose of providing habitat for fish.

15. "Fill material" has the meaning given in 33 CFR 323.2(e), and means material placed in wetlands where the material has the effect of replacing any portion of a wetland with dry land; or changing the surface elevation of any wetland. Examples of such fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in a wetland. The term fill material does not include trash or garbage.

16. "Floodplain" has the meaning in Wis. Admin. Code ch. NR 116 which means the land which has been or may be hereafter covered by flood water during the regional flood. **Note:** <http://dnr.wi.gov/topic/floodplains/ordinances.html>

17. "Ford" means a structure consisting of rock or gravel, placed on the bed of a navigable waterway to facilitate crossing the waterway.

18. "Great Lakes ridge and swale complexes" are associated closely with Great Lakes shorelines and are a series of narrow sandy ridges alternate with low swales, parallel to the lakeshore. The vegetation on the dry ridges can vary from open herbaceous or shrub communities on the semi-stabilized dunes closest to the shoreline, dry forests dominated by pines and oaks farther inland, and mixed mesophytic forests of northern hardwoods or hemlock hardwoods farthest from the shore.

19. "Inert materials" means those materials that slowly degrade, such as chemically treated wood, stone, stainless and galvanized steel, plastics and synthetic polymers.

20. "Impact to wetlands" includes temporary or permanent conversion of a wetland.

21. "Interdunal wetlands" occupy wind-created hollows that intersect the water table within active dune fields along the Great Lakes shores. They may also occur where moving sand encroaches on nearby wetlands, surrounding and isolating all or portions of them.

22. "Line of navigation" means the depth contour where the water is 3 feet deep at its maximum depth based on the normal summertime low levels on the waterway or summer minimum levels where established by department order.

NOTE: Where a municipality has adopted an ordinance establishing a municipal pierhead line authorized under Wis. Stats. s. 30.13, the line of navigation is the municipal pierhead line.

23. "Navigable waterway" means any body of water with a defined bed and banks that is navigable under Wisconsin law. In Wisconsin a body of water is navigable if it is capable of floating on a regularly recurring basis the lightest boat or skiff used for recreation or any other purpose. This incorporates the definition at Wis. Stats. s. 30.01(4m) and current case law, which requires a watercourse to have a bed and banks, *Hoyt v. City of Hudson*, 27 Wis. 656 (1871), and requires a navigable waterway to float on a regularly recurring basis the lightest boat or skiff, *DeGayner & Co., Inc. v. DNR*, 70 Wis. 2d 936 (1975); *Village of Menomonee Falls v. DNR*, 140 Wis. 2d 579 (Ct. App. 1987).

24. "Natural water depths, widths, and velocities in the natural stream channel" means the normal bank to bank flow event generally associated with a spring runoff event at a 1.5-year storm flow.

25. "Ordinary high water mark" (OHWM) means the point on the banks or shore up to which the presence and action of water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognizable characteristic.

26. "Previous channelization" at or adjacent to roads or trails means the stream was diverted from its historic channel sometime in the past to avoid a crossing or to change the alignment to allow a shorter culvert.

27. "Professionally engineered" means designed by a person registered as a professional engineer under Wis. Stats. [s. 443.04](#) and Wis. Admin. Code [ch. A-E 4](#).

28. "Public Rights Feature" has the meaning in Wis. Admin. Code s. NR 1.06.

NOTE: "Public Rights Feature" means any of the following:

- a. Fish and wildlife habitat, including specific sites necessary for breeding, nesting, nursery and feeding. Physical features constituting fish and wildlife habitat include stands of aquatic plants; riffles and pools in streams; undercut banks with overhanging vegetation or that are vegetated above; areas of lake or streambed where fish nests are visible; large woody cover.
- b. Physical features of lakes and streams that ensure protection of water quality. Physical features that protect water quality include stands of aquatic plants (that protect against erosion and so minimize sedimentation), natural streambed features such as riffles or boulders (that cause turbulent stream flow and so provide aeration).
- c. Reaches of bank, shore or bed that is predominantly natural in appearance (not man-made or artificial) or that screen man-made or artificial features. Reaches include those with stands of vegetation that include intermixed trees, shrubs and grasses; stands of mature pines or other conifer species; bog fringe; bluffs rising from the water's edge; beds of emergent plants such as wild rice, wild celery, reeds, arrowhead.

d. Navigation thoroughfares or areas traditionally used for navigation during recreational boating, angling, hunting or enjoyment of natural scenic beauty. Physical features indicative of navigation thoroughfares include shallow water areas typically used by wading anglers or areas frequently occupied by regularly repeated public uses such as water shows

29. "Riparian" means an owner of land abutting a navigable waterway.

30. "Single and complete project" means the total project proposed by the project proponent. For example, if construction of a linear project affects several different waterway and wetland areas, the cumulative total of all regulated areas is the basis for deciding the project's total waterway and wetland impact. For "phased" developments, each phase may constitute a single and complete project if it has an independent objective and would accomplish its intended purpose whether or not other phases were constructed

31. "Southern sphagnum bogs" are bogs located in the area south of a horizontal line drawn across the state based on the routes of STH 16 and STH 21 west of Lake Winnebago and on USH 151 east of Lake Winnebago. They are typically composed of a carpet of living sphagnum moss growing over a layer of acidic peat. Sedges, forbs and/or the low shrubs of the heath family (Ericaceae) colonize the sphagnum moss mat.

32. "Stabilize" means the process of making a site steadfast or firm, minimizing soil movement by the use of practices such as mulching and seeding, sodding, landscaping, paving, graveling or other appropriate measures.

33. "Thalweg" means a line connecting the lowest points of successive cross-sections along the course of a valley or river.

34. "Temporary Wetland Fill" means non-permanent wetland discharge during access, construction, or structure installation that does not result in loss of wetland, wetland degradation, or conversion from one type of wetland to another. For example, construction mats used for equipment access are temporary wetland fill.

35. "Temporary Waterway Crossings" means crossings eligible for consideration under Section 1A of GP12-2015-WI.

36. "Watercraft" under Wis. Stats. s. 30.01(7) means any device used and designed for navigation on water.

37. "Wetland" has the meaning in Wis. Stats. s. 23.24 and Wis. Admin. Code s. NR 103.02(5), and means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wetland conditions.

38. "Wildlife Nesting Structure" or "Wildlife Habitat Structure" means any structure or device constructed for the purpose of improving nesting habitat for wildlife, including birds, mammals, amphibians and reptiles.

APPENDIX 1

General Permit Practicable Alternatives Analysis Informational

Stream Habitat Structures

Alternatives to Avoid & Minimize Wetland Impacts

This document outlines the Wisconsin Department of Natural Resources (WDNR) supplemental information required from the applicant for Section 2 of the Informational Requirements for Practicable Alternatives Analysis for Projects Impacting Wetlands (PAA) specifically for stream fish/wildlife habitat projects (e.g. log deflectors, vortex weirs, hibernaculum, etc.). This information will also be used by the U.S. Army Corps of Engineers (ACOE) during the federal review process. The information you provide for this supplement is in addition to the information you are required to provide as outlined in the four sections of the PAA. Your PAA will be used by WDNR and ACOE staff to assist with their responsibility to determine the overall project purpose and need, and least environmentally damaging practicable project alternative.

The term “practicable” means reasonably available and capable of being implemented after taking into consideration cost, site availability, available technology, logistics and proximity to the proposed project site in light of overall purpose and scope of project.

NOTE: Should your project impact other aquatic resources regulated by the ACOE such as lakes, rivers, and streams, you may use this supplement to describe practicable alternatives to impacting those resources.

The Practicable Alternatives Analysis is required to thoroughly evaluate and verify that the proposed project cannot avoid wetland impacts, and that the project alternative chosen minimizes wetland impacts to the maximum extent practicable while meeting the basic project purpose. It is very important to provide as much detailed information and supporting documentation as possible on the range of alternatives you considered, since Department Permit Review Staff uses your information to verify that the project meets the legal requirements in Wis. Stats. s. 281.36 and all applicable General Permit eligibility standards.

If the project results in more than a minimal adverse environmental effect to wetlands, it will not meet the legal requirements to issue a permit and a permit will not be granted.

DIRECTIONS: For proposed fish/habitat wildlife structures, applicants are required to consider the following “avoid and minimize” project alternatives outlined below. The alternatives listed below are the minimum set of project alternatives that the applicant must consider. Since each site and project is different there may also be project specific alternatives that the applicant should consider in addition to the standard alternatives below. For each alternative analyzed, please clearly label the alternative and note its location on an aerial photograph.

TIP: If federal, local, or other state requirements limit your ability to avoid and minimize wetland impacts, it can help to request a meeting with all parties to try to determine what possible options all parties find acceptable to avoid and/or minimize wetland impacts.

ASSISTANCE: If you have questions about this PAA Supplement, please contact the WDNR Water Management Specialist (WMS) and/or the U.S. Army Corps of Engineers Project Manager for the county where your project is located for assistance. You may also request a pre-application meeting with DNR and ACOE permit reviewers to help you further understand the PAA process, the minimum project alternatives required, and any project specific alternatives that should be considered for your project.

DEVELOPING PROJECT ALTERNATIVES

STEP 1: PROJECT ALTERNATIVES THAT AVOID WETLAND IMPACTS

The first step in the alternatives analysis process is to determine if a practicable alternative is available that completely avoids wetland impacts. If a practicable “avoid” alternative exists that meets the overall project purpose, the applicant should select this alternative unless doing so would result in other significant adverse environmental consequences. DNR and the ACOE define the overall project purpose for these types of projects as commercial, residential or industrial development.

The applicant should analyze the following project alternatives to determine if the project can avoid wetlands, even if they are not your preferred alternatives. In Section 3 of the PAA you will be asked to evaluate and provide information as to why each alternative analyzed is or is not practicable to meet your overall project purpose.

1. **Use Existing Structure.** If an existing habitat structure needs maintenance, can it be upgraded or remodeled to meet needs without impacting wetlands?
2. **Relocate Proposed Structure.** Can wetland impact be avoided by moving the structure to a location that is not a wetland? Must the structure be placed in this part of the stream? Or can it be placed further downstream or upstream to avoid wetlands?
3. **Reduce Proposed Structure.** Can you reduce the size or number of habitat structure(s) proposed to be placed in wetlands and still meet the basic project purpose for placing a habitat structure(s)? If an area has wetlands and uplands, could you use smaller structures placed to avoid wetlands, then place larger structures in uplands?
4. **Wetland Amenity.** Consider conserving wetlands on your site and incorporating them into your development as a site amenity. If the wetland is degraded, could you enhance or restore it? For example, could you remove and control non-native invasive plants, replace them with native wetland plantings, or maintain vegetated buffers adjacent to the wetland?

STEP 2: PROJECT ALTERNATIVES THAT MINIMIZE WETLAND IMPACTS

If wetland impacts are not avoidable, the second step in the alternatives analysis process is for the applicant to determine which practicable alternative will minimize wetland impacts while meeting overall project purpose of a fish/wildlife habitat project. The following project alternatives should be analyzed by the applicant to determine how the project can minimize fill into the wetland and limit project impacts to the lower quality and functioning wetlands onsite. To qualify for the wetland portion of the general permit, the applicant is required to select the project alternative that minimizes wetland impacts to the maximum amount practicable if no “avoid” alternative is available that meets the overall project purpose.

The project alternative that results in the least amount of impact to wetlands will likely include a combination of the alternatives listed above and below. For example, the applicant selects a project alternative that avoids wetland encroachment to the maximum

extent practicable and the impact is minimized to occur along the edge of the wetland and/or within a degraded portion of the wetland complex (e.g., a portion dominated by non-native invasive plants such as reed canary grass).

1. **Use Existing Structure.** If an existing habitat structure needs maintenance, can it be upgraded or remodeled to meet needs without impacting wetlands?
2. **Relocate Structure.** Could wetland impact be decreased by moving structure?
3. **Relocate Other Site Features.** If the project proposes multiple structures or other development features such as a wetland scrape, can the scrape or other site features be shifted or reconfigured to minimize wetland impacts?
4. **Redesign Structure.** Can wetland impact be avoided by moving the structure to a location that is not wetlands? Does the structure need to be placed in this part of the stream or can it be placed further downstream or upstream to avoid wetlands?
5. **Reduce Structure.** Can you reduce the size or number of habitat structure(s) proposed to be placed in wetlands and still meet the basic project purpose for placing a habitat structure(s)? If an area has wetlands and uplands, could you use smaller structures in the wetland areas, then place larger structures in uplands?
6. **Limit Impact to Degraded Wetlands & Avoid High Quality Wetlands.** Using the most accurate wetland information available, such as a wetland delineation, and in consultation with a DNR Water Management Specialist and/or ACOE Project Manager, determine which wetlands on the site are considered degraded and which are high quality, including rare or difficult to replace wetlands and shoreland wetlands. Can you limit the wetland impacts to the wetland areas that are degraded (e.g., dominated by non-native invasive plants such as reed canary grass) and avoid intact native wetland communities such as sedge meadows?
7. **Maintain Wetland Hydrology.** Minimize impacts to site wetlands by maintaining existing wetland hydrology, including water runoff quality. Increased or decreased changes to wetland hydrology can negatively impact a wetland, including degrading the native plant community, providing an opportunity for non-native invasive plants to take hold, or potentially drying up a wetland. Assess the wetlands primary hydrology source and design your project to maintain existing wetland hydrology to the maximum extent practicable. For example, if a wetland's primary hydrology source is overland flow, determine the wetland's watershed and maintain approximately the same amount of runoff, including peak flow and duration.

Example:

The following information is an example of what the Department looks for in a completed practicable alternatives analysis for projects impacting wetlands incidental to completing another project. In the example below, peripheral wetland impacts are proposed for a stream habitat project with wetlands existing along the stream corridor. A project narrative should describe how wetland impacts have been avoided and minimized to the greatest extent.

This section describes best management practices that the applicant will employ to avoid and minimize wetland impacts for a stream habitat project while meeting the eligibility standards of the DNR general permit to place fish/wildlife habitat structures.

Avoiding wetland impacts is not always practicable when doing stream habitat projects. In these cases, habitat projects will be designed using the eligibility criteria in Section 1C of this general permit to protect water quality, restore the aquatic ecology of the stream,

and minimize any adverse environmental effects. To minimize the volume of additional fill that will be placed in wetlands, the applicant will first determine if the habitat structure can be placed in a nearby non-wetland portion of the stream bank. If the habitat structure has to be placed in the wetland portion of the stream bank, then the project applicant must use 2:1 side slopes to stabilize the bank and also use vegetation if possible to stabilize. Rock riprap can be placed only if needed to adequately stabilize the stream bank. The amount of rock to be placed will be limited to the minimum amount needed to place the habitat structure and secure the bank. Top dressing of any part of the rock above the OHWM is recommended.

When planning equipment routes to the project site, wetlands must be avoided if possible. If not possible, using the right size and type of equipment to minimize disruption to the wetland should be considered. Timing of the project should also be considered as work conducted during the winter season may lessen the impact on wetlands.